APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,644	10/16/2001	Jason Lango	5693P113	7020

48102   7590   05/09/2007
NETWORK APPLIANCE/BLAKELY
12400 WILSHIRE BLVD
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EXAMINER
AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
05/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/981,644	LANGO ET AL.
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>37 and 39-73</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>37 and 39-73</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to correspondence filed 21 February 2007.

2.   Claims 37 and 39-73 remain pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 37, 39, 42-46, 48-73 are rejected under 35 U.S.C. 102(e) as being

anticipated by Pinckney, III et al. (US 2002/0169926 A1), hereinafter referred to as

Pinckney.

5.   Regarding claim 37, Pinckney discloses a computer system comprising:

a processor (Fig.2);

a storage facility coupled to the processor (Fig. 3); and

program code, for execution by the processor, to implement:

a first plurality of interfaces to initiate reading of packet meta-data and

packets of payload data from the storage facility (p. 3, para. 0032, ll. 2-8),

wherein the packet meta-data and packets of payload data are stored in the

storage facility in a streaming media protocol-specific form (p. 1, para. 0011); and

a second plurality of interfaces to output streaming media packets to a

requesting client system on a network (p. 3, para. 0032, ll. 14-19), wherein the

second plurality of interfaces collectively support a plurality of streaming media

protocols (p.3, para. 0032, ll. 14-19), wherein the streaming media packets

comprise the packet meta-data and the packets of payload data and are

determined in response to a streaming media protocol requested by the client

system (p. 2-3, para. 0031), and wherein the first plurality of interfaces are

streaming media protocol independent and the second plurality of interfaces are

streaming media protocol dependent (p. 3, para. 0033, p. 7, para. 0069).

6.   Regarding claim 42, Pinckney discloses wherein the requested streaming media

protocol is one of: Microsoft Media Streaming, Real Time Streaming Protocol,

RealNetworks RealSystem (p. 7-8, para. 0069).

7.   Regarding claim 43, Pinckney discloses wherein the second plurality of

interfaces are configured to output a streaming media packet at a requested time (p. 4,

para. 0042, ll. 8-13).

8.   Regarding claim 44, Pinckney discloses wherein the second plurality of

interfaces configured to output streaming media packets to the client system after

packet meta-data and packets of payload data have been read from the storage facility

(p. 3, para. 0033).

9.   Regarding claim 45, Pinckney discloses wherein sizes of the streaming media

packets depend upon the requested streaming media protocol (p. 8, para. 0072, ll. 1-3).

10.   Regarding claim 56, Pinckney discloses wherein the streaming media packets are read from the storage facility asynchronously with respect to outputting the streaming media packets to the client on the network (p. 3, para. 0033).

11.   Regarding claim 39, Pinckney discloses wherein the packet meta-data and the packets of payload data are read from the storage facility at a pace independent of a requested pace for streaming the streaming media packets (p. 3, para. 0033).

12.   Claim 46 contains similar subject matter and is rejected under the same rationale as claim 37.

13.   Claim 48 contains similar subject matter and is rejected under the same rationale as claim 42.

14.   Claim 49 contains similar subject matter and is rejected under the same rationale as claim 43.

15.   Claim 50 contains similar subject matter and is rejected under the same rationale as claim 44.

16.   Claim 51 contains similar subject matter and is rejected under the same rationale as claim 45.

17.   Claim 57 contains similar subject matter and is rejected under the same rationale as claim 39.

18.   Claim 52 contains similar subject matter and is rejected under the same rationale as claim 37.

19.   Claim 53 contains similar subject matter and is rejected under the same rationale as claim 44.

20.   Claim 54 contains similar subject matter and is rejected under the same rationale

as claim 44.

21.   Regarding claim 55, Pinckney discloses the method further comprising:

if the streaming media data requested by the first client system is not in storage

at the streaming media cache, then communicating a request for the streaming media

data to a server storing the streaming media data requested by the first client system (p.

3 para. 0037).

receiving, at the streaming media cache, the streaming media data requested by

the first client from the server (p. 3, para. 0037); and

storing, at the streaming media cache, the streaming media data requested by

the first client (p. 3 para. 0037).

22.   Claim 58 contains similar subject matter and is rejected under the same rationale

as claim 56.

23.   Claim 59 contains similar subject matter and is rejected under the same rationale

as claim 39.

24.   Claims 60-63 contain similar subject matter and are rejected under the same

rationale as claims 52-55, 58 and 59.

25.   Claim 64 contains similar subject matter and is rejected under the same rationale

as claim 37.

26.   Regarding claim 65, Pinckney discloses a streaming media cache wherein the

streaming media network cache receives second streaming media data in a form that is

specific to a second streaming media protocol, which is different from the first streaming

media protocol, and wherein the protocol independent caching subsystem further is to

store the second streaming media data in the storage facility in said form that is specific

to the second streaming media protocol (pp. 2-3, paragraph 0031).

27.   Regarding claim 66, Pinckney discloses a streaming media cache wherein said

streaming media data comprises a streaming media stream, and wherein said form that

is specific to the first streaming media protocol comprises a plurality of discrete objects,

each of which contains a portion of said streaming media stream (p. 3, para. 0033).

28.   Regarding claim 67, Pinckney discloses a streaming media network cache

wherein the protocol dependent caching subsystem supports a plurality of streaming

media protocols (p.3, para. 0032, II. 14-19).

29.   Regarding claim 68, Pinckney discloses a streaming media network cache

wherein the streaming media data is retrieved by the protocol independent caching

subsystem from the storage facility asynchronously with respect to outputting the

streaming media packets to the client over the network (p. 3, para. 0033).

30.   Regarding claim 69, Pinckney discloses a streaming media network cache

wherein the streaming media data is read from the storage facility at a pace

independent of a requested pace for streaming the streaming media packets (p. 3, para.

0033).

31.   Regarding claim 70, Pinckney discloses wherein the requested streaming media

protocol is one of: Microsoft Media Streaming, Real Time Streaming Protocol,

RealNetworks RealSystem (p. 7-8, para. 0069).

32.   Regarding claim 71, Pinckney discloses a streaming media network cache

wherein the protocol dependent caching subsystem is configured to output a streaming,

media packet at a requested time (p. 2, para. 0031).

33.   Regarding claim 72, Pinckney discloses a streaming media network cache

wherein the protocol dependent caching subsystem is configured to output streaming

media packets to the client system after packet meta-data and packets of payload data

have been read from the storage facility (p. 3, para. 0032, ll. 2-8).

34.   Regarding claim 73, Pinckney discloses a streaming media network cache

wherein sizes of the streaming media packets depend upon the requested streaming

media protocol (p. 8, para. 0072, ll. 1-3).

Claim Rejections - 35 USC § 103

35.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

36.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

37.   Claims 40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Pinckney.

38.   Regarding claims 40 and 47, Pinckney teaches the first plurality of interfaces

conducting steps separately from the steps required by the set of second interfaces as

taught in the rejection of claim 37, therefore it is deemed that it would have been

obvious to one of ordinary skill in the art for the separate steps to have been completed

in separate software layers. One of ordinary skill in the art would have recognized the

separate steps being performed in separate software layers because they are

independent steps that work together in the computer system.

39.   Claims 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pinckney in view of Jones et al. (U.S. 6,744,763), hereinafter referred to as Jones.

40.   Regarding claim 41, Pinckney show substantial features of the claimed invention

but fail to disclose a third plurality of interfaces configured to receive the packet meta-

data, configured to adjust the packet meta-data to form adjusted packet meta-data, and

to output the adjusted packet meta-data; wherein the streaming media packets are also

determined in response to the adjusted packet meta-data. Jones discloses a method

and apparatus for media data transmission and teaches a QuickTime file format, where

the meta-data provides declarative, structural and temporal information about the actual

media data. Jones goes on to further disclose that the QuickTime file format is well

suited for situations where meta-data is modified and temporal mapping information is

adjusted (col. 1, lines 65-67; col. 2, lines 1-5). If a meta-data can be created, being able

to modify, update, or adjust it is a logical and obvious extension. Furthermore, having

an ability to adjust meta-data increases interoperability between streaming media

protocols. Hence, it would have been obvious to one of ordinary skill in the art at the

time of the applicant's invention to combine the teachings of Pinckney with the teaching

of Jones to include the adjusting of meta-data (i.e. temporal mapping of meta-data

which indexes into a specific time range of the media).

Response to Arguments

41.   Applicant's arguments filed 21 February 2007 have been fully considered but

they are not persuasive. Applicant argues that Pinckney does not disclose or suggest

"an apparatus in which streaming media data received from a remote server is stored in

a form that is specific to a particular streaming media protocol by a protocol

independent caching subsystem." Examiner respectfully disagrees. Pinckney teaches,

on pages 2-3, paragraph 0031 that content is stored and subsequently transmitted to a

client. The content may be in an incompatible protocol as required by the client and

therefore protocol conversion or translation would be deemed necessary. However, if

protocol translation or conversion is not required, for example a situation in which the

protocol is deemed compatible with the client, then protocol conversion or translation is

not required and it would make no sense to perform unnecessary protocol conversion or

translation. It is best understood that the steps of protocol translation as discussed in

paragraph 0032 on page 3 of Pinckney would only be performed if protocol translation

would be deemed necessary. Therefore, Pinckney teaches the storage of streaming

media data wherein the streaming media data is stored in a form that is specific to a

particular streaming media protocol. Therefore, claim 64 and all claims, which depend

on it, are not deemed patentable over the cited prior art. Independent claims 37, 46, 52

and 60 include limitations similar to independent claim 64 and therefore are not deemed

patentable over the cited prior art along with their dependent claims.

Conclusion

42.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

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PRIMARY EXAMINER